

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2007 AUG -9 PM 1:05

ASHLEY ADAMS
716 N Barrett Lane
Christiana, DE 19702
Mailing address:
PO Box 7652
Newark, DE 19714

PLAINTIFF

v

JO ELLEN SHELDON
708 Pebble Beach Drive
Elkton, MD 21921

DEFENDANT

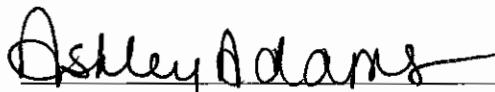
DISTRICT COURT

No. 04-251 JJF

JURY TRIAL

NOTICE OF MOTION

PLEASE TAKE NOTICE that the undersigned will present the
attached MOTION **TO COMPEL DEPOSITION OF JO ELLEN**
SHELDON at a time convenient to the Court.



Ashley Adams, Pro Se Plaintiff
PO Box 7652
Newark, DE 19714

302-393-3525

Date Filed: August 7, 2007

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ASHLEY ADAMS
716 N Barrett Lane
Christiana, DE 19702
Mailing address:
PO Box 7652
Newark, DE 19714

PLAINTIFF

v

JO ELLEN SHELDON
708 Pebble Beach Drive
Elkton, MD 21921

DEFENDANT

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DISTRICT COURT

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JURY TRIAL

MOTION
TO COMPEL DEPOSITION OF JO ELLEN SHELDON

COMES NOW, Plaintiff, Ashley Adams, pro se, hereby moves this Honorable Court to compel deposition of Jo Ellen Sheldon and, in support thereof, states the following:

(1)

This suit arises out of an automobile accident that occurred April 23, 2002, whereby Jo Ellen Chapen Sheldon negligence operation of a motor vehicle causing severe bodily injury to Ashley Adams.

(2)

This suit was filed by attorney's Cooper and Shall who no longer represent Plaintiff, Ashley Adams.

(3)

A Rule 16 Scheduling Order 1. Discovery. (d) Maximum of 5 depositions by Plaintiff....excluding expert depositions.

(4)

On January 26, 2007, Plaintiff, Ashley Adams, sent a written request to Defense Attorney, Beth Christman requesting Deposition of Jo Ellen Sheldon, requesting (4) four available dates in February 2007. [Exhibit A]¹.

¹ Letter to Defense Attorney, Beth Christman, dated January 26, 2007 requesting deposition dates

(5)

Letter response from Defense Attorney, Beth Christman, denied this request.

(6)

Letter to respond to Defense Attorney, Beth Christman, dated February 08, 2007, 'Request for Deposition dates [February 2007] requesting (4) four dates in February 2007 requesting compliance. [Exhibit B]².

(7)

A video-conference deposition was done by Charles Cooper, Plaintiff's attorney, on July 6, 2005, which lasted approximately 10 minutes. Charles Cooper, Plaintiff's attorney at that time, reserved the right to another deposition of the Defendant at that time and it was agreed upon.

(8)

Defendant, Jo Ellen Sheldon, had much difficulty testifying to any of the questions asked during this video deposition, whether it was to repeat the questions several times due to audio interference or lack of visual clearness to examine documents questioned. [Exhibit C]³

² Letter to Defense Attorney, Beth Christman, dated February 08, 2007, requesting deposition dates

³ Sheldon – Direct

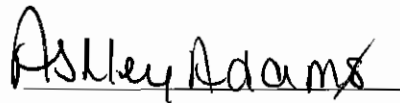
(9)

A telephone log [Exhibit D]⁴ was provided, showing Defendant's telephone activity on the day of the accident. The accident, as recorded on the police report occurred at 8:13AM, Defendant testifies repeated times to have called the police, stating that Plaintiff asked the Defendant to call the police. Defendant, Sheldon, does not call the police, instead, at 8:14AM she calls her work; at 8:15AM she calls her husband. Defense attorney, Beth Christman, writes in a letter [Exhibit E]⁵, attempting to explain the reason why the 9.1.1 call does not show on the telephone record, because it was a 'toll free' number, no charges applied. Toll free numbers are listed on Sheldon's telephone record, with no charge. Sheldon, knowing that Plaintiff had asked her to call the police, defiantly ignored her requests, while Plaintiff was in severe pain from her negligence driving that resulted in severe and permanent injuries to Plaintiff.

⁴ Copy of portion Verizon telephone bill – David Sheldon

⁵ Letter dated August 1, 2005 from Defense Attorney, Beth Christman encls. Telephone record

WHEREFORE, the initial deposition of Defendant, Jo Ellen Sheldon, reveals many discrepancies in her testimony, either to contents of the Police Report, telephone calls made prior to the automobile accident, or immediately after, insomuch, the deposition was very limited. Defendant, Jo Ellen Sheldon, had visual and audio difficulty with the video-conference and many questions remained unanswered. Plaintiff, Ashley Adams respectfully requests that this Honorable Court grant her Motion to Compel Deposition of Jo Ellen Sheldon, and that deposition is attended in person at a time that is convenient for all parties.

A handwritten signature in black ink that reads "Ashley Adams". The signature is written in a cursive, flowing style and is positioned above a horizontal line.

Ashley Adams, Pro Se Plaintiff
PO Box 7652
Newark, DE 19714

302-393-3525

Date Filed: August 7, 2007

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ASHLEY ADAMS
716 N Barrett Lane
Christiana, DE 19702
Mailing address:
PO Box 7652
Newark, DE 19714

PLAINTIFF

vs

JO ELLEN CHAPEN SHELDON
708 Pebble Beach Drive
Elkton, MD 21921

DEFENDANT

DISTRICT COURT

No. 04-251 JJF

JURY TRIAL

ORDER

Plaintiff's Motion to Compel Deposition of Jo Ellen Sheldon having been heard,

IT IS HEREBY ORDERED this ____ day of _____, 2007 that
Plaintiff's Motion is **GRANTED**.

United States District Judge

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ASHLEY ADAMS
716 N Barrett Lane
Christiana, DE 19702
Mailing address:
PO Box 7652
Newark, DE 19714

PLAINTIFF

vs

JO ELLEN CHAPEN SHELDON
708 Pebble Beach Drive
Elkton, MD 21921

DEFENDANT

DISTRICT COURT

No. 04-251 JJF

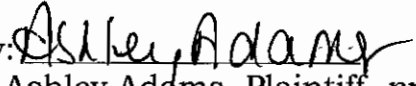
JURY TRIAL

NOTICE OF SERVICE

I hereby give notice that I caused two (2) true and correct copies of the following document to be served upon the following on the date set forth below, via first class mail, postage prepaid, and/or hand-delivered:

MOTION TO COMPEL DEPOSITION OF JO ELLEN SHELDON

To:
Beth H Christman
CASARINO, CHRISTMAN, & SHALK, P.A.
800 N King Street, Suite 200
P.O. Box 1276
Wilmington, DE 19899
Attorney for Defendant

By: 
Ashley Adams, Plaintiff, *pro se*
PO Box 7652
Newark, DE 19714

FILING DATE: August 07, 2007

EXHIBIT A

FOR THE DISTRICT OF DELAWARE

ASHLEY ADAMS
716 N Barrett Lane
Christiana, DE 19702
Mailing address:
PO Box 7652
Newark, DE 19714

PLAINTIFF

v

JO ELLEN SHELDON
708 Pebble Beach Drive
Elkton, MD 21921

DEFENDANT

DISTRICT COURT

No. 04-251 JJF

TO: The United States District Court
For the District of Delaware
The Honorable Judge Joseph J Farnan, Jr
844 N King Street
Lock Box 44
Wilmington, DE 19801

NOTICE OF SERVICE

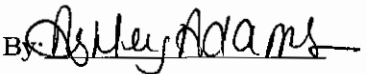
I hereby give notice that I caused notification by letter for

Requests for February 2007 dates for Deposition of Defendant, Jo Ellen

Sheldon to be served upon the following on the date set forth below, via first class

mail, postage prepaid:

Beth H Christman
CASARINO, CHRISTMAN, & SHALK, P.A.
800 N King Street, Suite 200
P.O. Box 1276
Wilmington, DE 19899
Attorney for Defendant

By: 

Ashley Adams
PO Box 7652
Newark, DE 19714
Plaintiff, pro se

Dated January 26, 2007

Ashley Adams
PO Box 7652
Newark, DE 19714

January 26, 2007

Beth H Christman
CASARINO, CHRISTMAN, & SHALK, P.A.
800 N King Street, Suite 200
P.O. Box 1276
Wilmington, DE 19899
Attorney for Defendant

RE: **DEPOSITION SCHEDULE**

Ms Christman,

Please provide me with (4) four dates in February 2007, to schedule a deposition with Defendant, Jo Ellen Sheldon.

Regards,

Ashley Adams

EXHIBIT B

Ashley T Adams
PO Box 7652
Newark, DE 19714

February 08, 2007

Casarino Christman & Shalk, P.A.
800 North King Street
Suite 200
PO Box 1276
Wilmington, DE 19899

Request for Deposition dates [February 2007]

Pursuit Rule 26.1 (b) – ‘there shall be no limitation upon the permissible number of document requests,or depositions’. Unless you comply with the Civil Procedure Rules, I will be filing a motion with the Court for immediate compliance. You have 10 days from the date of this letter to comply.

You have not complied with the request of producing telephone documents that were requested at the deposition done by Charles Cooper. The telephone document that was received was a cellular telephone transcript, but does not identify that this is the cellular telephone used by JoEllen Sheldon on that day. This does not appear to be her cellular telephone record, for if it is, it contradicts her statement under oath, **“that she initiated a telephone call for 9.1.1.”** The cellular telephone record submitted does not show a 9.1.1. call on this record. 9.1.1. calls will always show on any telephone record, contrary to your letter of explanation. This telephone record supplied is not the actual record for JoEllen Sheldon on the day in question. This appears to be another account holder’s telephone log. JoEllen Sheldon testified under oath **“that she was not talking on her cellular telephone at the time of the accident caused by her”**. The records supplied are incomplete and inconsistent with her testimony. You failed to produce documents requesting telephone logs.

Your continued attempts to cause delays, avoid prosecution against Sheldon, are rising to the level of contempt, and so shall be dealt with appropriately. Immediately provide those (4) dates in February as requested in January.

Ashley Adams

EXHIBIT C

Sheldon - Direct

27

1 accident was your fault?

2 A. I did not admit guilt.

3 Q. I have the police report here that's
4 been marked as Sheldon 1 and on Page 2 of that report
5 there's a statement that appears to be attributed to
6 you. We're going to take the police officer's
7 deposition, but I want to ask you about this. Can you
8 see that, ma'am?

9 A. Hold on. I've got to come to the TV
10 because I can't read it from here.

11 Q. Here ... how about if I read it to you.
12 It says, "Operator 2 --" that's you. "Operator 2
13 stated that the accident was her fault. Operator 2
14 stated she was stopped behind Vehicle 1 when her foot
15 slipped off the brake and her vehicle struck Vehicle 1
16 in the rear." That's what the policeman says you
17 said. Do you see that there, ma'am?

18 MS. CHRISTMAN: Go back to your seat,
19 Ms. Sheldon, and then answer.

20 THE WITNESS: If that's what it says,
21 then that's what it says. I can't read it.

22 MS. CHRISTMAN: I'll agree --

23 THE WITNESS: It's not clear.

24 - - -

EXHIBIT D

FROM :

PHONE NO. :

Jul. 14 2005 02:47PM P2
Adams v Swenson
GDF

Page 5 of 10

Account Number..... 903735351-00001
 Invoice Number..... 0357626342
 Billing Date..... May 21, 2002

Wireless Details for (443) 553-6973 DAVID SHELDON

HOME AREA

#	Date	Time	Rate Period	Call Origination+	Called Phone Number	Call Destination	Minutes	Usage Type	Home Airtime Charges	Other Call Type	Other Call Charges	Total Charges
1	04/22	08:19P	P	Wilmington	DE (443) 553-4625	Elkton	MD	14	A	Included		
2	04/22	08:48P	P	Wilmington	DE (443) 553-4625	Elkton	MD	5	A	Included	.00	.00
3	04/22	08:51P	P	Wilmington	DE (443) 553-4625	Elkton	MD	3	A	Included	.00	.00
4	04/22	08:59P	P	Wilmington	DE (302) 376-9335	Middletown	DE	1	A	Included	.00	.00
5	04/22	10:27P	O	Elkton	MD (888) 416-1200	Toll-Free	CL	2	Y	Included	.00	.00
6	04/23	08:14A	P	Newark	DE (302) 634-1000	Newport	DE	2	A	Included		
7	04/23	08:16A	P	Newark	DE (443) 553-4625	Elkton	MD	11	A	Included	.00	.00
8	04/23	08:51A	P	Newark	DE (443) 553-4625	Elkton	MD	8	A	Included	.00	.00
9	04/23	05:25P	P	Wilmington	DE (443) 553-4625	Elkton	MD	7	A	Included	.00	.00
10	04/23	05:32P	P	Wilmington	DE (443) 553-4625	Elkton	MD	1	A	Included	.00	.00
11	04/23	05:36P	P	Newark	DE (302) 376-9335	Middletown	DE	1	A	Included		
12	04/23	05:40P	P	Newark	DE (302) 238-3538	Hockessin	DE	8	A	Included	.00	.00
13	04/23	07:19P	P	Elkton	MD (888) 416-1200	Toll-Free	CL	3	A	Included	.00	.00
14	04/24	07:51A	P	Newark	DE (443) 553-6973	Incoming	CL	31	A	Included	.00	.00
15	04/24	06:28P	P	Wilmington	DE (302) 376-9335	Middletown	DE	2	A	Included	.00	.00

EXHIBIT E

CASARINO, CHRISTMAN & SHALK, P.A.

ATTORNEYS AT LAW

CONECTIV BUILDING

800 NORTH KING STREET

SUITE 200

P.O. BOX 1276

WILMINGTON, DELAWARE 19899

STEPHEN P. CASARINO
COLIN M. SHALK
BETH H. CHRISTMAN
DONALD M. RANSOM
KENNETH M. DOSS
THOMAS P. LEFF
MATTHEW E. O'BYRNE
CHANETA G. BROOKS-MONTOBAN
JOHN A. MACCONI, JR.

REPLY TO OUR MAILING ADDRESS:
P.O. BOX 1276
WILMINGTON, DE 19899

(302) 594-4500

FAX: (302) 594-4509

August 1, 2005

Charles S. Cooper, Esq.
Cooper & Schall, P.A.
1760 Market Street, Suite 1100
Philadelphia, PA 19103

RE: Adams v. Sheldon

Dear Chuck:

In response to your request following my client's deposition, I am enclosing a copy of the records showing my client's cell phone calls on April 23, 2002. They show the call she made to her employer and her husband shortly after this accident. Ms. Sheldon was not talking on the phone at the time of this accident. It appears that her call to the police was not included since it is not a call for which a charge is applied.

Very truly yours,



BETH H. CHRISTMAN

/mbf
enclosure

cc: Ms. Kristin McGough, w/enc.
Claim No. 20-5498-946
Joseph M. Jachetti, Esq., w/enc.